

COMMISSIONERS PROCEEDINGS
SEPTEMBER 23, 2003
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Morris, Stanton, and Pridemore, Chair, present.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

Speaker #1

Curtis Achziger, 3609 NE 85th Street, Vice-President, NE Hazel Dell Neighborhood Association, commented on consent agenda item 3 (Notice of Hearing/Resolution to consider vacating a portion of the constructed right-of-way known as Hanley-Curry Road). Mr. Achziger said the Department of Public Works owns 20 acres to the east of the Parkview Knoll Subdivision and he wanted to talk about the easement along its western border. He said the 10 acres to the north of the property would be given over to Parks and Recreation. Achziger said his concern was the fact that the easement still exists. He further explained. He said to the north, just before 82nd Street, there is a wetland and that staff is reluctant to cross that wetland. He said the best the easement could lead to would be a stub road into the park. He said the area is heavily wooded and he expressed concerns about a 50-foot piece along the western border of the park being stripped of vegetation for an easement. Achziger said he would like the Board to consider vacating that easement because of the future park.

Discussion continued between Mr. Achziger and the Board in order to further clarify his concerns.

Morris suggested that Mr. Achziger talk with the Department of Public Works in order to start the process.

Achziger explained that he tried to make an appointment with Pete Capell; however, it would be 2-4 weeks before he would be able to meet with him.

Speaker #2

Bridget Schwarz, 2110 NW 179th Street, Ridgefield, Fairgrounds Neighborhood Association, commented on the Public Safety Fair and Open House held on September 20th. Ms. Schwarz expressed thanks to all county personnel involved with the event and that without their support, it wouldn't have been as successful and fun as it was.

CONSENT AGENDA

There being no public comment, **MOVED** by Morris to approve items 1 through 11.
Commissioners Pridemore, Morris, and Stanton voted aye. Motion carried. (See Tape 39)

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PUBLIC HEARING: TITLE 40

Held a public hearing to consider the adoption of a new Clark County Unified Development Code proposed to be Clark County Code Title 40.

Gordy Euler, Department of Community Development, presented. Euler provided a brief background of the project. He said the goal of the project was a single title of the Clark County Code proposed to be Title 40, from which all regulations relating to land development can be found. He explained that three drafts were put out for review, the last of which is the Public Review Draft – the one currently before the Board. Euler talked about some of the changes that were made. He said the proposed Title 40 contains the road and concurrency standards from the current Title 12; the critical areas ordinances from current Title 13; the subdivision ordinance from all of Title 17; Zoning from Title 18; and the SEPA ordinance of Title 20. He further explained the format and updates. Euler noted that they had received one letter from Carra Sahler regarding the draft, as well as a SEPA comment from the Friends of the Columbia Gorge, both of which were included in the staff report. He added that the last part of the staff report is a list of additional corrections and clarifications that they have come across since the Public Review Draft was made available in mid-August. He said the document was reviewed by numerous individuals and that a number of the changes resulted from a very thorough scrutiny. Euler thanked Cathy Corliss of Angelo and Eaton, Mike Butts, Susan Ellinger, Mitch Kneipp, and Alan Boguslawski for their hard work on the project.

Morris asked if the changes indicated in the staff report had not yet been included in the text itself.

Euler said that was correct – those are additional changes that need to be addressed.

Morris referenced page 4, number 105 regarding Frontage where it reads – “to discourage parking between the from of the building and the street.” She said it should read “front” versus “from.”

Euler said that was correct.

Stanton referenced page 8 of the staff report where it talks about additional changes...Contiguous Lots. She said that as she sees it they currently talk about contiguous lots being three and with the clarification that Euler has put in, it would be two.

Cathy Corliss, Angelo Eaton & Associates, clarified. She said that when they consolidated definitions, the terms they really struggled with, such as contiguous, adjacent, and adjoining, were used in different fashions in the various titles. When they consolidated, they ended up with some really strange situations. She said one of the changes they made, when it was reviewed in the overall context of the final document, was the change to the term “contiguous.” She said they had

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incorrectly defined the term “contiguous” as being more than two, and as they talked with staff it was determined that the new definition more correctly reflects what contiguous should mean, which is “two or more together.” Corliss further explained. She said that within the context of the code the correction should accurately reflect the way contiguous has been used.

Carra Sahler, Attorney, Preston Gates, 222 SW Columbia Street, Portland, Oregon, commented on behalf of the Consortium of Clark County School Districts. Ms. Sahler thanked the Board for entertaining the Consortium’s suggested revisions to the county code. She said they do appreciate the reader-friendly format, but did have some additional thoughts for how to eliminate unintended ambiguities. She summarized the four points that had been brought forth in their letter, as well as referenced a chart to assist in explaining the Consortium’s recommended changes. She referenced page 6, the last item, and said the section listed exemptions from stormwater treatment. She said the words “temporary school portable” should be replaced with “school modular or portable.” She explained that “school modular or portable” is a defined term that is used elsewhere in the code.

Stanton asked if that was what was being proposed.

Sahler said that was correct, and that she understands that staff approves the changes.

Euler said it was one they had incorporated.

Sahler then referred to page 2 of the chart under the fifth item where “school modular or portable” is defined. She said that during the county code restructure, the word “habitable” had been implemented and the Consortium was concerned about that change.

Corliss said the definition that they had was potentially too broad and might pick up things such as storage sheds. The word “habitable” was meant to narrow it to something that would be used for certain purposes.

Euler added that they have struck it.

Sahler commented on the third point and the Consortium’s proposed definition of public schools, which they feel would eliminate questions about what constitutes a public school. She said the Planning Commission agreed. She said that staff had set forth a number of concerns in the staff report, one being that defining “public schools” might affect the term “public and private schools.” Sahler said that merely defining the term “public schools” doesn’t necessarily impinge on the term “private schools” because they are separate items. She said that similarly, a definition of “public schools” doesn’t impinge on the meaning of “business and trade schools.” She referred to page 4 of the chart and stated that the county has suggested a solution – Page 117, where it says “public and private schools, including business and trade schools.”

Morris asked what the advantage would be for adding a definition.

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Sahler said it would help to avoid any ambiguity about what exactly a public school is. She further explained.

Morris asked if they treat public schools any differently than private schools.

Euler said the issue isn't so much with the definition that's proposed, but when they looked in the code to see how the word school is used they found that they are kind of all over the map. He referenced page 117 and said that one of the reasons they added the term "public and private" to the use table was to make it consistent with the use lists in the other sections. He said the code doesn't distinguish between public and private schools and there are a number of places where they talk about preschools, as well as a number of places in the commercial code where educational institutions are talked about. Euler said it wasn't the definition that they had a problem with, but it was taking the definition and applying it to the way the word schools is used in the current code that was causing problems.

Morris said she was trying to get at what would be the purpose of having a public and a private school. She said the only example she could think of in which they treat them differently was in the traffic impact fee code where they exempt public schools, but not private schools. She said she didn't see why they would need to change the definition of schools unless there are other instances in the code where they treat public and private schools differently.

[Discussion continued regarding the definition of public and private schools.]

Pridemore said the concern was that within the entire code they don't know how many different applications it might have and some of them may become fundamental policy issues that they have specifically tried not to address through this process. He said it might be something that they need to review.

Sahler stated that all of the inconsistencies were pointed out in their letter and that the Planning Commission was aware of those inconsistencies, but nevertheless suggested adoption.

Euler clarified that the Planning Commission looked at adopting a definition of schools; they didn't adopt this definition. He said he had met with Mike Butts and they looked at how many places the term "school" is used. He said when they looked at how it was used it became clear that they would dig themselves in fairly quickly. Euler said they are making the recommendation that as part of Title 40 adoption, they not include a definition.

Pridemore asked Ms. Sahler if there was a specific application of this definition that she and the Consortium were concerned about.

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Sahler said they were concerned about there not being any definition at all. She said they haven't faced any problems, but it was more of a pre-emptive attempt to avoid problems in the future.

There was no further public comment.

Morris said that with corrections to spelling, she was comfortable with it.

Stanton agreed. She said she shared concern about going ahead with a definition of public schools, which might result in something they didn't intend. She said they had made it clear that they didn't want to make any substantive changes.

Euler reiterated that they felt it was a good idea, although they appreciate what the school districts' are proposing.

Pridemore said if there was a practical application somewhere in the code that they could do a quick fix on now while they consider the broader implications, he could see doing that. However, he said he was comfortable leaving it as is.

There being no further comment, **MOVED** by Morris to adopt, with appropriate spelling corrections, Code Restructure Project–Clark County Code Title 40, effective January 1, 2004. Commissioners Pridemore, Morris, and Stanton vote aye. Motion carried. (See Tape 39)

The Board of County Commissioners' hearing adjourned and they convened as the Board of Health.

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

There being no public comment, **MOVED** by Stanton to approve items 1 through 3. Commissioners Pridemore, Morris and Stanton voted aye. Motion carried. (See Tape 39)

Adjourned.

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2 p.m. Bid Opening

BID OPENING 2342

Present at the Bid Opening:

Louise Richards, Clerk of the Board; Mike Westerman, General Services; and Allyson Anderson, General Services

Held a public hearing for Bid Opening 2342 – NE 164th Street Walkway. Mike Westerman, General Services, opened and read the sole bid. Westerman said it was their intention to award Bid 2342 on September 24, 2003, at 11:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6th Floor. (See Tape 39)

Adjourned.

BOARD OF COUNTY COMMISSIONERS

Craig A. Pridemore, Chair

Betty Sue Morris/s/
Betty Sue Morris, Commissioner

Judie Stanton/s/
Judie Stanton, Commissioner

ATTEST:

Louise Richards/s/
Clerk of the Board

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